

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of: Dupray)	Group Art Unit: 3662
)	
Serial No.: 09/176,587)	Examiner: Phan Dao, Linda
Filed: Oct. 21, 1998)	Confirmation No.:2046
)	
Atty. File No.: 1005)	<u>COMMENTS ON STATEMENT OF</u>
For: "A WIRELESS LOCATION)	<u>REASONS FOR ALLOWANCE</u>
SYSTEM FOR CALIBRATING)	
MULTIPLE LOCATION)	
ESTIMATORS")	

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Commissioner for Patents
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Dear Examiner Phan:

Applicant acknowledges with appreciation the Examiner's Statement of Reasons for Allowance. Applicant notes, however, that such statement of reasons for allowance recites only initial portions of paragraphs in some of the allowed independent claims. For example, the Examiner states that no teaching was found in the prior art teaching that would render obvious the claimed method for locating a particular mobile station and for evaluating particular conditions, including:

- For Claim 20, "activating one or more of said evaluators, first obtaining one or more evaluators, second obtaining resulting evaluation information".
- For Claim 27, "obtaining a plurality of data item collections ... determining a second estimate of said condition CNDN using said representations of (a1) from said retrieved data items" stated as lines 11-25,

- For Claim 33, “wherein said step of selecting includes a substep of determining, for at least one of said location estimation method, an indication as to whether information is available”, and “requesting activation of one or more of said first and second location estimating methods”,
- For Claim 100, lines 7-26, “evaluating a performance of first and second of the evaluators ... includes accessing the second indication of a likely effectiveness when generating the second resulting information”.

Regarding Claim 20, the steps whose initial portions are recited in the Examiner’s reasons for allowance are presumed to be merely an indication of the claim paragraphs whose combination is referred to by the Examiner. Thus, for example, the phrase “first obtaining one or more evaluators” when taken in context is presumed to refer to the corresponding paragraph, i.e., “first obtaining one or more evaluators *related preference data items for identifying a preference ...*”. Additionally, the steps of:

- “*activating one or more of said evaluators ... via the Internet*”,
- “*first obtaining one or more evaluator related preference data items for identifying a preference... is classified*”, and
- “*second obtaining resulting evaluation information ...using at least one of said evaluations ... and at least one of said preference data items*”

are believed to recite a novel combination of limitations. Moreover, Claim 20 recites additional limitations that are believed to contribute additional patentability to Claim 20. For example, the step of “*selecting between two or more ~~[[of]]~~ evaluators ...*” in combination with the other steps of the present claim is believed to provide additional patentable distinctions over the prior art.

Moreover, it is believed that the Internet network architecture recited in Claim 20 also constitutes patentable subject matter due to, at least in part, the early priority dates to which the present application claims benefit.

Regarding Claim 27, the Examiner only recites the first and last steps of this claim with an ellipsis therebetween. It may be that the Examiner means that the

combination of all limitations of this claim constitute patentable subject matter.

However, it is also believed that the subcombination of the steps of:

- obtaining a plurality of classes ...,
- providing access ...,
- obtaining a plurality of data item collections ...,
- activating a first of said estimators ..., and
- selecting one or more of said data items collections ...,

also constitutes patentable novelty for the present claim.

Regarding Claim 33, the Examiner only recites a “wherein” clause directed to an availability of information for estimating a location of the mobile unit (MU), and a portion of the “requesting” step for requesting activation of one of the first and second estimators. Applicant believes that additional patentable subject matter is provided in Claim 33. By way of example, and not limiting, it is respectfully submitted that additional patentable subject matter is provided by the last three “wherein” clauses of Claim 27.

Regarding Claim 100, the Examiner only recites the second step and the last portion of the last “wherein” clause of this claim with an ellipsis therebetween. It may be that the Examiner means that the combination of all limitations of this claim between the second step and the last portion of the last “wherein” clause constitute patentable subject matter. However, it is also believed that there is additional patentable subject matter recited in Claim 100. By way of example, and without limitation, it is respectfully submitted that in determining the first and second conditions, *each* of the following sets limitations constitute patentable subject matter due to, at least in part, the early priority dates to which the present application claims benefit:

1. communicating with the first evaluator via the Internet, wherein the first and second evaluators are contacted at different sites;
2. accessing the first and second indications of a likely effectiveness associated with condition identifications, respectively, from the first and second evaluators, wherein such accessing is used to determine the respective first and second resulting information; and
3. a combination of (1) and (2) above.

It is noted that independent Claims 6, 29, 32, 34, and 35 are not mentioned in the Examiner's reasons for allowance. Thus, the patentability of these claims as well as other claims is assumed to be based upon the elements as set forth in such claims, and that such claims meet all criteria for patentability under 35 U.S.C. §101, §102, §103 and §112.

As such, Applicant wishes to clarify that it is believed the Examiner's reasons for allowance, for all claims not explicitly identified by the Examiner, is that the elements as set forth in such claims define an invention that is free of the prior art and that complies with all 35 U.S.C. §112 requirements.

As is clear from MPEP 1302.14,

“The statement [of reasons for allowance] is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth.”

If the Examiner objects to any of the above statements, it is respectfully requested that the Examiner contact the undersigned by phone so that clarification can be provided.

Respectfully submitted,
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